

KRYSTYNA MARIA GRELL)	
)	
Plaintiff,)	
)	
v.)	Case No. 18 C 8197
)	
KEVIN K. MCALEENAN, Acting)	
Secretary, U.S. Department of)	Judge John Robert Blakey
Homeland Security, et al.,)	
)	
Defendants.)	

The parties have briefed and argued before this Court the issue of whether USCIS has the authority to determine that an applicant has met the statutory requirements of adjustment of status by affording the naturalization applicant the remedy of accepting, *nunc pro tunc*, the statutorily required Supplement A and sum required by 8 U.S.C. § 1255(i). *See* [23], [24], [28], [32], [34]. After considering the briefs and arguments of counsel, the Court finds, as stated in open court, *see* [36], that USCIS has the authority to accept, *nunc pro tunc*, the sum and Supplement A that Plaintiff submitted in January 2018 as the sum that was required prior to the adjustment of Plaintiff's status to that of permanent resident. *See, e.g., Batanic v. INS*, 12 F.3d 662, 667 (7th Cir. 1993) (finding that government erred by denying *nunc pro tunc* relief permitting individual to apply for asylum because “the procedural defect has also resulted in the loss of an opportunity for statutory relief”). *See also Gil v. Holston*, No. 3:18-CV-00070-GCM, 2019 WL 4017501 (W.D.N.C. Aug. 23, 2019).


(USCIS ordered by court to accept *nunc pro tunc* the supplemental form and statutory sum required for adjustment of status).

WHEREFORE, this Court hereby remands Plaintiff's naturalization application to USCIS to take action consistent with this ruling and to issue a decision on Plaintiff's application within 30 days. Pursuant to the remand, Plaintiff's petition [1] is dismissed without prejudice, and Plaintiff is granted leave to reinstate this action within 45 days if her naturalization application is not granted within the specified 30-day period. If no motion for reinstatement is filed within 45 days, this dismissal shall automatically convert to one with prejudice with no further action by the Court.

SO ORDERED.

Dated: November 4, 2019

Entered:



John Robert Blakey
United States District Judge